

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Steven M. Bloom, Michael S.      Art Unit : 3693  
                 Spector and John L. Jacobs      Examiner : Sara M. Chandler  
Serial No. : 10/001,900      Conf. No. : 8995  
Filed : November 14, 2001  
Title : BALANCING ARBITRAGABLE TRACKING SECURITIES

**MAIL STOP AF**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

NOTICE OF APPEAL

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the action dated July 22, 2008, finally rejecting claims 1, 2, 4-8, 10-13, 15-19 and 21-26.

A petition for an extension of time under 37 CFR §1.136 to extend the time to respond to the final rejection for 1 month(s) to and including November 22, 2008 is enclosed.

Please charge the required fee of \$540 to Deposit Account No. 06-1050. Please apply any other charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: November 21, 2008

/Denis G. Maloney/  
Denis G. Maloney  
Reg. No. 29,670

Fish & Richardson P.C.  
225 Franklin Street  
Boston, MA 02110  
Telephone: (617) 542-5070  
Facsimile: (877) 769-7945

22073584.doc

**CERTIFICATE OF MAILING BY EFS-WEB FILING**

I hereby certify that this paper was filed with the Patent and Trademark Office using the EFS-WEB system on this date: November 21, 2008